

A. GOMEZ

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1 weeks I have a conversation about that.
2 Mario he don't know anything about that.

3 Q. Mario doesn't know what?

4 A. That he kiss Haydee, or he
5 tried to be sex with Haydee, about two or
6 three weeks, one week or two weeks Mario
7 find this situation.

8 Q. After he was arrested and
9 released --

10 A. Yes.

11 Q. -- that's when he found out?

12 A. About two or three weeks, not
13 too longer.

14 Q. But as far as you know, he did
15 not know any of that information on October
16 17?

17 A. Oh, no, no, he no have any
18 information about that. And he told me one
19 day he going out in the bar, the police
20 going, because he's retired the Correction
21 Department, he know a lot of the policemen.
22 And he come one day in my house, oh, you
23 know who I saw? I saw Jose Quinoy. He pay
24 a bill for me. They have a good relation.
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It's surprise for everybody this happened.

Q. Do you know what your daughter's current relationship is with Detective Quinoy? Are they communicating in any way; if you know?

A. Now, I don't know. I can't say anything about that.

Q. She hasn't confided in you about any communications, about seeing him?

A. No. No. No. No. She not talking this point. I'm not talking this point. Nobody talking in my house about this.

Q. Have you seen Detective Quinoy since you were arrested?

A. Yes, one time.

Q. When was that?

A. Maybe, November, I'm not sure. I went here in White Plains Road, in Empire, that's for the rent car. It's Route 119. I don't know the name. It's an "E". The symbol is "E". I went there with my friend. She was there for rent the car, and I went because she went for the car.

And he coming with Detective

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Zekus.

Q. Zekus?

A. Yes. I park my car in the back, and Detective Quinoy's in the front with the door. When I saw him, I told my friend, oh, my God, look who is here, because very close the incident. Look at who's here. Look who's here.

And he coming back, he tried to intimidate me. I'm very nervous. And I told my friends, don't get out. Don't get out. Don't get out.

In the middle the street, I put my friend out with the car, because I leave. I say, I have to leave. I have to leave. I am very nervous. Looking what he look at me. Look at what he look at me, because I am so nervous. Because he look in the car, and I don't want any problem again.

Q. Did you speak to him at all that day?

A. No. No.

Q. Other than that time in November, have you seen Detective Quinoy

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1 since then or had any conversations with
2 him?

3
4 A. No. I don't have any
5 conversation. I saw about two or three week
6 when I went in the court. He outside in the
7 sidewalk.

8 Q. But you didn't speak to him?

9 A. No. No. I don't want to
10 anyway.

11 Q. Now, you said that on October
12 17 Detective Quinoy called Mario on his cell
13 phone?

14 A. In the cell phone.

15 Q. Had you spoken with Detective
16 Quinoy at all that day before he called
17 Mario?

18 A. I called when he arrest me. I
19 talk with him.

20 Q. No, before.

21 A. No. No.

22 Q. You did not speak to Detective
23 Quinoy before he called your husband?

24 A. No. No. No. I don't have.

25 Q. Do you know why Detective

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Quinoy called your husband?

A. He called because Haydee told him what happened that what Mario say. Because Mario not talking with Quinoy, Mario talking with Haydee.

So, Mario called me and told me this, and I wanted this coming to stop. That's the conversation he had with Haydee.

Q. When was that conversation with Haydee; that was a few days before?

A. Few days before, normal conversation. He not mad. He not nothing. He only told Haydee I want this coming to stop, what happened.

And she say, no, no, no. I went in the bar with him, but I not paying for him.

And Mario say, well, I want this stop, because I don't want the people talking in the town. This is a small town. You are beautiful girls. Why you have to bother with this situation. Marina find something that you're going out with Jose, she want to come to you, hit her wife.

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2 She say, no, no, no. He's my
3 friend. He's my friend. Everything
4 finished.

5 Jose Quinoy called my daughter
6 -- no. I went in my friend's house, Yolanda
7 in third floor in the building that night.
8 Haydee call me. Ma, I talking with Jose,
9 and he wants my daddy's cell phone. And I
10 say for what? Because he want to talking
11 with dad. When she told me like that, he's
12 my friend, right? He's Mario's friend? I
13 say, well, okay. He want to talk with Mario
14 I think he's a normal man not an animal Jose
15 Quinoy.

16 I say, okay. It's okay that I
17 give my dad's cell phone, because he want to
18 talk with my dad. I say okay, okay because
19 I know Mario. Mario stopped with the man
20 that you're talking and you convince him
21 like this. You tell whatever, oh, Mario,
22 nothing happened. He believe it's true. I
23 say, okay, give the cell phone.

24 Bridget, my another daughter
25 the little one, stay with Mario and watch

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1 the game, the Mets game. They sit together
2 and watch the game. Jose Quinoy call Mario.
3 Mario not take the phone. He leave the
4 message. Mario call me, Awilda. I say,
5 yes. You know what? What. Jose Quinoy
6 called me, and he want to talk to me, but I
7 want to see my game. I say, well, Mario,
8 but he call you again, take the phone and
9 that's it. Because I think, I repeat he's a
10 normal man. I don't think Jose do something
11 like that with Mario, but he did it.

12
13 And he called again, and Mario
14 take the phone. Bridget tell me. And they
15 started conversation. And my daughter
16 called me. Then my daughter cell phone,
17 cell phone to my cell phone. Ma'am, Jose
18 Quinoy talking with daddy. And he talk with
19 daddy, I don't know what he's saying to my
20 dad, and he told my dad go to see in the
21 Police Department.

22 And at that time my husband was
23 in pajamas, and daddy started to dress. I
24 say what happened. I don't know. I don't
25 know. Jose Quinoy say something in the

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1 phone because I listen. She don't
2 understand, because out of the phone, but
3 she listen. Jose Quinoy talking too many
4 things to my daddy on the phone, and so my
5 daddy go to see because my daddy say, oh,
6 you want to see. Okay, I go to see you, you
7 know.
8

9 I say okay, okay, okay, okay.
10 Where is daddy. He going down. I going
11 down, too, and I follow Mario to the police
12 station.

13 MS. SHERVEN: I am going to
14 stop you there. Move to strike the
15 portions that are nonresponsive.

16 Q. Did you at anytime after
17 Bridget called you go up to your apartment?

18 A. I tried to go, but she say
19 she's going out, you know, and I going out.

20 Q. So, after you talked to
21 Bridget, you went down to your car?

22 A. My car, because I want to see.
23 I seen they have a conversation, because
24 he's my friend. I don't have any personal
25 thing.

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MS. VOLPER: You answered her question.

Q. Okay. When you went down to your car, did you see your husband?

A. Not really, but I know that he going to the Police Department, and I go there. And I see him between a 100 Hunter College Avenue, and what's the name of the street. I forgot now. And in the front of 100 Hunters College to the firehouse, I saw Mario car, and I follow him.

Q. Okay, but you saw his car not specifically him?

A. I know he's in there.

Q. But I mean were you able to see his facial expression?

A. Oh, no, he looked fine, because I give a flash light, and he's fine. He not made something, he see me from the -- I saw him from the mirror, and he go there. And I follow him. I not see him having any expression, mad, or something like that. He normally.

Q. Why did you follow him?

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A. I follow him because I want to be in the conversation. It's about my daughter.

Q. How long was the drive to the police station, approximately.

A. Five minutes.

Q. Approximately, how far were you behind Mario?

A. Very close behind.

Q. Did you see him park his car?

A. Oh, yes. I saw everything that night.

Q. Where did he park his car?

A. He parked the car in the front in the building next to the Police Department. He parked it in the second or third parking, he parked there, very good. I'm in the middle of the street because I'm looking to parking.

Q. Did you see your husband exit his car?

A. Yes.

Q. Do you know if he shut his car off?

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A. No -- yes, I think, yes.

Q. When he exited the car, did he close the car door?

A. Yes.

Q. What happened after he closed the car door?

A. Okay. I'm in the middle of the street and looking for parking. When he parked the car here in the right side, I saw Jose Quinoy and Michael Gasker in the middle of the street, okay.

I'm stop in the front. I have my light and everything of my car. I say my car is started. I have the light and everything. I saw Jose Quinoy and Michael Gasker here. Jose Quinoy coming in a scream, Police.

At the time, I open my door, and I get out of my car. My car is in the middle of the street. And he coming and scream to Mario, put your hands up, and Mario do like this.

Q. I'm going to stop you right there, because you're indicating, and we

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1
2 need to put on the record. Just so the
3 record is clear, you said that Mario went
4 like this and you're moving.

5 A. Mario move. Jose Quinoy in the
6 middle of the street and coming to catch
7 Mario with Michael Gasker. And he said,
8 Stop. Don't move. Police.

9 ~~He coming with the handcuff in~~
10 ~~the left, in the left hand, and he tried to~~
11 ~~come with Mario. Mario move around to front~~
12 ~~to the car, and he put the hand up. At the~~
13 ~~same time, Mario move back and say, what~~
14 ~~happened? I think you call me for talk.~~

15 ~~This is arrest, and Jose Quinoy~~
16 ~~jumped to Mario. He give the first punch.~~
17 ~~I no say punch. He do like this.~~

18 MS. VOLPER: Wait until she
19 asks you a question.

20 A. I think I really see.

21 Q. I'm going to try and ask you
22 more detail questions to understand every
23 step.

24 ~~When Mario exited his car, did~~
25 ~~he walk or move at all towards Detective~~

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Quinoy?

A. ~~He no have~~ the time. He stayed next to her car, and he say, don't move. Mario move -- don't move. Mario move the body to her car, front of her car.

Q. And he put his hands up?

A. ~~And the~~ put up the hands. And he move back again and with the hands up, and he said, wait a minute, I think you call me and you told me to come here to see you for talk.

~~And Jose Quinoy coming and~~
~~tried to hit him,~~ and he move down. And at the moment, I'm scream, what happened. What happened. And I lose -- but I saw when he tried to hit Mario first.

Q. You testified that Detective Quinoy was screaming; is that correct?

A. Yes.

Q. And he's screaming, put your hands up, police?

A. Yes. This is arrest.

Q. Was he saying this in English or Spanish?

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A. English.

Q. And do they normally speak in English or Spanish to each other?

A. No. They speak normally the Cuban people speak both, English and the Spanish. They started in English and they continuing in Spanish. They come back to English and back to Spanish.

Q. Back and forth?

A. Yeah, back and forth. That's what happened that night. But when they say, it's police. He's started in English.

Q. ~~What tone of voice was he using?~~

A. ~~When you arrest the people to do something wrong,~~ very stronger.

Q. Can you describe the manner in which Detective Quinoy went up to your husband? Was he running? Was he walking? Was he doing something else?

A. ~~Go fast.~~ He's not running. ~~He's not walking.~~ When you go fast and you try to catch the person, and he come close with Mario with the handcuffs, he tried to

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2 hit Mario. And Mario got down, and that's
3 when they holding together.

4 Q. When Mario parked his car, how
5 close was Detective Quinoy and Officer
6 Gasker to him?

7 A. I say around not too close,
8 five or six -- more twelve feet. He's in
9 the middle of the street. Quinoy and
10 Gasker, and Mario is close to the car in the
11 sidewalk. A couple of feet, I don't know
12 really.

13 Q. Did Officer Gasker say anything
14 during that time period?

15 A. No.

16 Q. What was his demeanor?

17 A. Well, that I saw, they hold all
18 three together, and I'm going to scream a
19 lot. I go inside.

20 Q. But before this, when Mario
21 pulled up, did Officer Gasker do anything or
22 say anything?

23 A. He not say anything.

24 Q. He's just standing there?

25 A. No, both go to hold Mario.

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2 Q. ~~So, when Detective Quinoy was~~
3 ~~walking quickly towards Mario, you saw~~
4 ~~Officer Gasker do the same thing?~~

5 A. ~~Yes, behind.~~

6 Q. ~~Behind?~~

7 A. ~~Yes, behind.~~

8 Q. Did Officer Gasker have
9 anything in his hands?

10 A. I don't know. At the moment I
11 don't know, because when I see -- ~~they~~
12 ~~jumped to Mario together, I'm very nervous.~~

13 Q. You testified that you saw
14 Detective Quinoy, that he had handcuffs in
15 his hands, correct?

16 A. Yes.

17 Q. In his left hand?

18 A. Yes.

19 Q. ~~Can you describe for me what~~
20 ~~you mean when you say that Detective Quinoy~~
21 ~~took the first swing? What did he do?~~

22 A. ~~When he close to Mario, he~~
23 ~~tried to hit Mario.~~

24 Q. Did he actually come into
25 physical contact with Mario at that point?

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2 A. He come that I coming with you,
3 and tried to hit you. That's what he doing.

4 Q. ~~From what~~ you're saying at that
5 time Detective Quinoy did not hit him?

6 A. ~~No.~~ He went and through the
7 hand, and Mario got down, and that's when
8 Gasker jump and Quinoy, and all three
9 together. Because I remember Mario hold
10 Jose, when you hold in the body, tried to
11 protect, because two people coming with
12 Mario. Gasker and Jose Quinoy at the same
13 time.

14 Q. Is it your testimony that
15 Officer Gasker, though, is the one who first
16 grabbed Mario?

17 A. No. Gasker behind Jose.

18 Q. So, Detective Quinoy grabbed
19 Mario first?

20 A. Yes. Yes. Yes.

21 Q. Where on his body did Detective
22 Quinoy grab him?

23 A. Well, I saw together. Don't
24 ask me, because at the time I'm cry. I
25 started cry.

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Q. What happened next?

A. I cried, and I said, what happened. What happened. And I going inside the Police Department.

Q. ~~Okay,~~ just so we're clear, at the time that you saw them --

A. They together.

Q. ~~--- hit Mario and the two officers together physically, you went inside the precinct?~~

A. Yes.

Q. ~~Why did you go inside?~~

A. ~~I go inside for help, and I'm screaming. I be there, the Lieutenant Hayes, Gabrielle or something Hayes.~~

Q. Hayes?

A. He was there.

Q. ~~Did you speak with Lieutenant Hayes?~~

A. ~~He not talk to me. He ignoring me. I come. I can't believe that. I went inside, and I say, I need help. I need help. Two police Jose and another policeman fight with my husband. I need help. I need~~

help. He only look at me and not say one word.

Q. Who?

A. Lieutenant Hayes.

Q. ~~What happened then?~~

A. ~~When I going out, I saw Ebel~~
~~out too, okay. Because he not say anything~~
~~I'm running very fast and I'm screaming like~~
~~a crazy, help, help, help.~~

Q. Who were you calling help to?

A. I don't know. When you see something like that, you see in the TV, it's very easy. You see in the TV, when you see your husband not doing anything wrong, and three people -- ~~because~~ at the time when I get out Ebel, another officer is staying with Mario, too, and they put the handcuff

And Mario tried to say, I'm retired correction officer, the New York City, and Ebel say, fuck you, correction office. This is the Sleepy Hollow policeman.

MS. SHERVEN: Move to strike
the portions that were nonresponsive.

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Q. ~~How long~~ were you inside the precinct, approximately?

A. ~~Seconds~~, because when I see nobody seeing me, nobody -- everybody ignoring me I'm running down. I'm screaming. I look at what happened.

Q. What did you see when you exited the police station?

A. When I go out?

Q. When you went out, yes.

A. When I get out at the time that I get out, I stay here and all three policemen there, and Mario in the floor. They tried to -- I'm retired policeman the New York City because Jose Quinoy know Mario. I don't know Mario know the Ebel and Michael Gasker. I don't know. And he tried to say, I'm retired correction office. That's enough. That's enough. That's enough, ~~because~~ they gave the electricity.

Q. Did you know Officer Ebel, like, who he was by name at that time?

A. No. I don't know him. That's what I write here, because I don't know

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nobody in the Police Department. I don't have any communication with nobody there.

Q. What exactly do you have with you?

A. Oh, the names of the people involved in the case, because my English is not really good, and I want to say the correct name.

Q. Is it something that you prepared?

A. Not prepared, I put the name.

Q. Well, you wrote these things, these names down?

A. Yes, because I know what happened in the incident, but sometimes my English I forget really the name. That's what I write here but it's nothing.

Q. ~~When did you make this list of names?~~

A. ~~Oh, today, today, when they tell me I had to be here, because I want to do correct. I do at my house on my own.~~

Q. Did you look at something in order to write down all the names?

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A. No. I not look at nothing. I
no have nothing to look.

MS. SHERVEN: I'm just going to
ask for a copy of the index card.

Q. If I could see it, too. You
show it to your attorney first?

A. Oh, yeah. Oh, yeah.

MS. VOLPER: She wrote down
what she thought are the names.

A. ~~Yes, my daughter helped me.~~

Q. ~~Okay, thanks. Was that Haydee~~
~~that helped you or another daughter?~~

A. ~~And Bridget, not Haydee, yes.~~

Q. Now, the information that's
written on the back, does that have anything
to do with?

A. Oh, no. This is for the
Service for my job, Family Service Children
Service.

Q. That was your former job?

A. Yeah. That's normally things
that I use on my job, and I put the date
today because I want to say the good -- I
don't want to confuse you. I don't want to

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confuse me.

Q. I'm just going to ask for a copy of both sides of the document?

A. Oh, yeah.

Q. Did you know Officer Gasker before this?

A. No.

Q. When you came out of the police station, you testified that Mario was on the ground; is that correct?

A. No. They all three policemen together with Mario.

Q. On the ground?

A. No. Together.

Q. Standing?

A. Yes. And Jose say something, I don't know in English, and the two policemen Gasker and Ebel started giving electricity to Mario.

When I saw that because they made it terrible noises. I saw, and Mario say that's enough. That's enough. That's enough. And he put the hands, that's enough. That's enough. They put on the

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ground.

Q. ~~Did you see which officers used~~
the electricity that you described?

A. Yes.

Q. Which officers?

A. Michael and Ebel.

Q. ~~Not Detective Quinoy?~~

A. ~~No.~~

Q. ~~But you believe that he said~~
~~something to them?~~

A. ~~No. He give the order.~~

Q. ~~Did you hear what the order~~
was?

A. ~~I don't know the name what they~~
~~call, but he say at the same time they~~
~~started the electricity with Mario.~~

Q. Where on Mario's body did you
see Officer --

MS. VOLPER: Do you need to
take a break? Are you okay? Do you
want to go to the ladies room?

THE WITNESS: This happen to me
all the time. That's why I not
talking about that.

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MS. VOLPER: Are you sure you don't want to take a break? Take a break.

A. ~~No. No. No.~~ They give electricity in Mario's back. They put the handcuffs and they continued. They continued, and Ebel he put the neck in Mario -- the knee in Mario.

MS. VOLPER: Do you want to take a break? I know you're upset, and it's hard to understand.

THE WITNESS: I never saw something like that.

MS. VOLPER: Okay, let's stop. Let's stop the record.

(Whereupon, a recess was taken.)

A. Okay, when they give the electricity to Mario, Mario down in the ground. They put the handcuff. He's down. Ebel and Jose Quinoy continue to hit him. Jose Quinoy kick Mario in this part with the head, in the top of the head. And Ebel hit Mario all the place. Gasker is stand up and